



# City of Marietta

205 Lawrence Street  
Post Office Box 609  
Marietta, Georgia 30061

## Meeting Agenda CITY COUNCIL

*R. Steve Tumlin, Mayor*  
*Annette Paige Lewis, Ward 1*  
*Griffin "Grif" L. Chalfant, Jr., Ward 2*  
*Johnny Sinclair, Ward 3*  
*Irvan A. "Van" Pearlberg, Ward 4*  
*Rev. Anthony C. Coleman, Ward 5*  
*James W. King, Ward 6*  
*Philip M. Goldstein, Ward 7*

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Wednesday, May 12, 2010

7:00 PM

Council Chamber

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### CALL TO ORDER:

### INVOCATION:

*Johnny Sinclair, Council Member, Ward 3*

### PLEDGE OF ALLEGIANCE:

### PRESENTATIONS:

#### **20100585 Recognition for Outstanding Service**

Special recognition for Sergeant Jake King, Police Department for his outstanding efforts in saving the city money by using the Military's Defense Reutilization & Marketing Office (DRMO) in obtaining advanced equipment at no cost to the city.

#### **20100584 Sav-A-Watt Energy Challenge**

Recognition of the Sav-A-Watt Energy Challenge winner; Sawyer Road Elementary School as presented to Marietta City School Superintendent, Dr. Emily Lembeck and Sawyer Road Elementary School Principal, Jill Sims by Mayor Tumlin.

### PROCLAMATIONS:

**20100586      International Building Safety Month**

Presentation of a Proclamation to Hal Cosper, Chief Building Official, proclaiming the month of May, 2010 as International Building Safety Month and calling upon all citizens to participate in activities to help promote building safety, to create awareness as to the importance of construction and building codes, and to spotlight the role of the dedicated code officials in administering those codes.

**20100587      Travel and Tourism Week**

Presentation of a Proclamation to Theresa Jenkins, Marietta Welcome Center, proclaiming the week of May 8-16, 2010 as Travel and Tourism Week and calling upon all citizens to accompany their visiting family and friends to Marietta's numerous outstanding attractions and to introduce their children to the wealth of tourist resources, which surround us.

**20100622      Mom Congress**

Proclamation presented by Mayor Tumlin to Michelle Cooper Kelly for being selected by Parenting Magazine to represent Georgia at the inaugural "Mom Congress for Education and Learning Conference." Further, congratulating Ms. Kelly on a job well done and thanking her for her contribution to the City of Marietta.

**ANNOUNCEMENTS OF GENERAL COMMUNITY INFORMATION BY THE MAYOR, COUNCIL AND/OR CITY MANAGER:****CONSENT AGENDA:**

**Consent agenda items are marked by an asterisk (\*). Consent items are approved by majority of council. A public hearing will be held only for those items marked by an asterisk that require a public hearing (also noted on agenda).**

**MINUTES:****\*      20100560      Regular Meeting - April 14, 2010**

Review and approval of the April 14, 2010 regular meeting minutes.

**\*      20100568      Special Meeting - April 28, 2010**

Review and approval of the April 28, 2010 special called meeting minutes.

**MAYOR'S APPOINTMENTS:**

**CITY COUNCIL APPOINTMENTS:****20100501      Marietta Redevelopment Corporation Board Vacancy**

Appointment to the MRC Board for a term of two (2) years effective immediately and expiring April 10, 2012.

**ORDINANCES:****20100096      Z2010-03 Mark S. Brock (McKim & Creed, P.A.) 819 and 821 Cogburn Avenue**

Z2010-03 [REZONING] MARK S. BROCK (MCKIM & CREED, P.A.) request rezoning for property located in Land Lot 1014, District 16, Parcels 750 and 760, 2nd Section, Marietta, Cobb County, Georgia and being known as 819 and 821 Cogburn Avenue from R-4 (Single Family Residential 4 units/acre) to OI (Office Institutional).  
Ward 4.

Planning Commission recommends denial                      Vote: 6 - 0 - 0

Stipulation: n/a

PUBLIC HEARING (all parties are sworn in)

**RESOLUTIONS:****CITY ATTORNEY'S REPORT:****CITY MANAGER'S REPORT:****MAYOR'S REPORT:****COMMITTEE REPORTS:****1. Economic/Community Development: Grif Chalfant, Chairperson****\*      20100524      Marietta Growth Fund**

Motion to Approve the Grant Review Committee Recommendation to award a grant in the amount of \$75,000.00 to Sundial Plumbing Services from the Federal EDI-HUD Grant.

*Council member Sinclair abstaining.*

**2. Finance/Investment: Annette Lewis, Chairperson****3. Judicial/Legislative: Philip M. Goldstein, Chairperson****\* 20100081 Proposed Revisions to Section, 706 regarding non-conforming uses**

Motion to authorize staff to advertise the proposed revisions to the nonconforming use regulations related to the requirement that a nonconforming building may not be rebuilt, altered or repaired if construction costs exceed 50% of its replacement costs.

**\* 20100480 Fifa**

Motion to authorize staff to proceed with a lien foreclosure sale on property located at 138 Rigby Street.

**\* 20100511 Clarke Library**

Motion to adopt the Design Guidelines and Preservation Plan for the Clarke Library.

PUBLIC HEARING (all parties are sworn in)  
*Council Member Goldstein abstaining.*

**\* 20100512 Brumby Hall**

Motion to adopt the Design Guidelines and Preservation Plan for Brumby Hall.

PUBLIC HEARING (all parties are sworn in)  
*Council Member Goldstein abstaining.*

**\* 20100513 Marietta Waterworks Building**

Motion to adopt the Design Guidelines and Preservation Plan for the Marietta Waterworks Building.

PUBLIC HEARING (all parties are sworn in)  
*Council Member Goldstein abstaining.*

**\* 20100570 Preston Chase Apartments**

Motion to authorize the City Attorney to appeal the tax notice from the Cobb County Tax Assessors Office regarding the Preston Chase property.

**4. Parks, Recreation and Tourism: Johnny Sinclair, Chairperson****\* 20100530 Kiwanis Club Request**

Request from the Marietta Kiwanis Club for the City of Marietta to co-sponsor a pancake breakfast on July 10, 2010 for the purpose of raising funds for the "Forever Remember" statue that will be placed in Joe Mack Wilson Park and, approving the closure of a few parking spaces on East Park Square as necessary to conduct the event.

Further, the Marietta Kiwanis Club is fully responsible for the trash cleanup and removal of all trash generated by the event from the confines of the Marietta Square and the Central Business District. Trash removal from these confines may be accomplished through private means, or the organizers may utilize a city trash truck and driver for the event at a rate of \$67.85 per hour. Marietta Kiwanis Club shall notify the Parks, Recreation and Facilities Department fourteen (14) days in advance if they intend to utilize the city sanitation vehicle.

If the Marietta Kiwanis Club fails to adequately clean the event area of trash and debris and remove said trash and debris from the Central Business District they will be billed for any city services required to accomplish the cleanup of the area.

**\* 20100550 Juneteenth Celebration**

Motion to approve city sponsorship of the Juneteenth Celebration Festival sponsored by the Cobb County Branch of the NAACP on Saturday, June 19, 2010.

The Cobb County Branch of the NAACP will cooperate with the Parks, Recreation and Facilities Department and the manager of the Marietta Farmer's Market in establishing the set-up and use of North Park Square.

Further, the Cobb County Branch of the NAACP are fully responsible for the trash cleanup and removal of all trash generated by the event from the confines of the Marietta Square and the Central Business District. Trash removal from these confines may be accomplished through private means, or the organizers may utilize a city trash truck and driver for the event at a rate of \$67.85 per hour. Cobb County Branch of the NAACP shall notify the Parks, Recreation and Facilities Department fourteen (14) days in advance if they intend to utilize the city sanitation vehicle.

If the Cobb County Branch of the NAACP fail to adequately clean the event area of trash and debris and remove said trash and debris from the Central Business District they will be billed for any city services required to accomplish the cleanup of the area.

\*      **20100594      Laurel Park Ponds**

Motion authorizing Parks, Recreation and Facilities staff to proceed with actions necessary to bid, permit, dredge and renovate the Laurel Park ponds with expenditures to come from the 2009 Parks Bond.

**5. Personnel/Insurance: Van Pearlberg, Chairperson**

**6. Public Safety Committee: Anthony Coleman, Chairperson**

**7. Public Works Committee: Jim King, Chairperson**

\*      **20100577      Hansell Street Closure-Cobb County Parking Deck Staging and Logistics**

Motion to approve request from Choate Construction for a temporary road closure for Hansell Street for the construction of the Cobb County Parking Deck between Waddell St. and Haynes St. beginning in May, 2010 until February, 2011. The sidewalk along Waddell Street would remain open. At the conclusion of the construction, Hansell Street will be repaved by the contractor.

\*      **20100517      Wellstar Outpatient Clinic Tower Crane**

Motion authorizing request by Brasfield Gorrie for a Temporary Air Rights Agreement for use of a tower crane for the construction of the Wellstar Outpatient Clinic.

\*      **20100319      Frasier Circle Parking**

Motion authorizing installation of no parking signs along both sides of Frasier Circle from Park Street to Park Street.

\*      **20100535      Landscape License Agreement**

Motion authorizing approval of a Landscape License Agreement for sidewalks along city streets surrounding the new Cobb County Parking Deck at 191 Lawrence Street.

\*      **20100519      Local Administered Project Certification**

Motion to approve the Certification Acceptance Qualification Agreement and Certification Acceptance Interview Form with the Georgia Department of Transportation for federally funded projects.

\*      **20091134      Solid Waste Management Plan**

Motion to approve forwarding the Draft Solid Waste Management Plan to DCA for review.

\*      **20100590      Draft Transportation Improvement Program - Roadway Capacity & New Roadways**

Motion authorizing Public Works to request removal of the Gresham Connector and the Powder Springs Connector from the ARC Plan 2040 modeling and the Cobb CTP.

*Council members Lewis and Pearlberg voting against.*

\*      **20100620      Frasier Street and Frasier Circle Sidewalks**

Motion authorizing acquisition of donated temporary construction and driveway easements for the purpose of the Fairground Street Road Improvements and Frasier Street Sidewalk Projects for the properties listed below:

655 Frasier Street, from L.M. Hedden  
661 Frasier Circle, from Anthony T. Dallavalle  
662 Frasier Circle, from Echiserio Rejo-Alvares  
652 Frasier Street, from Frank Watts

\*      **20100621      Roswell Street Retaining Wall/Improvements at Olive Street**

Motion authorizing acquisition of donated temporary construction and driveway easements for the purpose of the Roswell Street Improvements Project for the properties listed below:

422 Roswell Street, from Dorothy A. Winter  
59 Olive Street, from Greater Community Church of God

**SCHEDULED APPEARANCES:**

**UNSCHEDULED APPEARANCES:**

**OTHER BUSINESS:**

**20100497      V2010-11 First Landmark Bank 307 North Marietta Parkway**

Motion to approve the following variances for property located in Land Lot 11440, District 16, Parcel 2170 and being known as 307 North Marietta Parkway.

1. Variance to reduce the landscaped buffer along the western property line adjacent to 264 Fowler Circle from 20 feet to 10 feet;
2. Variance to reduce the required street plantings from 30 to 26.

*Council Member Goldstein disclosed that the First Landmark Bank leases parking spaces at 48 Atlanta Street and is a subtenant in an adjacent building. Council Member Goldstein abstaining on this matter.*

*Mayor Tumlin disclosed that he is a share holder in First Landmark Bank.*

**20100498      V2010-12 Ben Dosetareh & Farhad Shaliyehsaboo 562 Cobb Parkway North**

Motion to approve the following variances for property located in Land Lot 10910, District 16, Parcel 0100 and being known as 562 Cobb Parkway North.

1. Variance to allow a general advertising sign (billboard) on a parcel of property outside of the area within 100 feet of the right-of-way of Interstate 75;
2. Variance to allow a general advertising sign (billboard) to be located within 500 feet of a residence;
3. Variance to allow a general advertising sing (billboard) to be located within 1000 ft. radius of another general advertising sign.

**20100615      Short-Term Power Sales Agreement with MEAG**

Motion for approval of the Short-Term Power Sales Agreement with the Municipal Electric Authority of Georgia (MEAG) as recommended.

**20100616      Short-Term Power Sales**

Motion to authorize staff to present counter proposals to the Board Chairman for approval pursuant to the terms outlined on Schedule 1, with notice given by e-mail to the Board and Council.

**20100619      BLW Actions and Minutes of April 12, 2010**

Motion to approve agenda items 20100460 and 20100482 related to the Short-term Power Sales Agreement with MEAG from the BLW Actions and Minutes of April 12, 2010.



\*      **20100558      GMA 2010 Annual Convention**

Motion to approve travel and training expenses for the Mayor and Council members who wish to attend the Georgia Municipal Association (GMA) 2010 Annual Convention in Savannah, GA June 26-29, 2010.

*Council member King voting against.*

\*      **20100562      GMA Voting Delegates**

Motion appointing R. Steve Tumlin as voting delegate and Rev. Anthony Coleman as alternate voting delegate for the 2010 GMA Business Meeting being held during the Annual Convention June 28, 2010.

\*      **20100596      GWTW Memorabilia Collection Lease Renewal**

Motion to approve renewal of the contract with Dr. Chris Sullivan for lease of his Gone with the Wind Memorabilia collection until December 31, 2010.

\*      **20100618      MEAG Annual Business Meeting**

Motion appointing R. Steve Tumlin as a voting delegate and Grif Chalfant as an alternate voting delegate for the 2010 MEAG Power Annual Meeting to be held July 12-14 at Amelia Island, Florida.

\*      **20100561      BLW Actions of May 10, 2010**

Review and approval of the May 10, 2010 actions and minutes of the Marietta Board of Lights and Water.

**ADJOURNMENT:**